

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES DEMPSEY, individually, and L.D. by her
father and natural guardian, CHARLES DEMPSEY,
Plaintiffs,

v.

THE CITY OF ROCHESTER, a municipal entity,
JAVIER ALGARIN, ADAM GORMAN, JASON
RUDOLPH, "JOHN DOE" RPD OFFICER
RESPONSIBLE FOR TRAINING JAVIER ALGARIN,

Defendants.

STIPULATION

Case no. 19-cv-6780 (EAW)(MWP)

REGINALD MCGILL,

Plaintiff,

- against -

THE CITY OF ROCHESTER, TREVOR JONES,

Defendants.

STIPULATION

Case no: 22-cv-6523 (EAW)(MWP)

Plaintiff, Plaintiff's counsel Elliot Shields, Defendants, and Defendants' counsel (collectively "Parties") hereby stipulate to the following regarding the any/all depositions of (current and former) Rochester Police Department officers in the above-captioned cases:

1. A court reporter/stenographer will create a stenographic record of the depositions.
2. The depositions will be governed by Rules 28, 29, and 30 of the Federal Rules of Civil Procedure.
3. If Mr. Shields opts to videorecord a(ny) deposition:
 - a. The videorecording will also be governed by Rule 30(c) of the Local Rules of Civil Procedure;
 - b. Mr. Shields will inform the Videographer of the requirements of the Federal Rules of Civil Procedure, the Local Rules of Civil Procedure, and this Stipulation, and will obtain the Videographer's written agreement to comply with all three;
 - c. The Videographer will not record off-the-record portions of the deposition;
 - d. The Videographer will maintain confidentiality of both the information disclosed in the deposition and the videorecording created; and

- e. The Videographer will not be a client of Mr. Shields or ROTH & ROTH LLP, or a plaintiff in any litigation against the City of Rochester.
4. The Parties and Videographer will not share—or permit others to share—any portion or reproduction of the video recording (including still photographs derived from the videorecording) online or on Social Media (e.g., Facebook, Instagram, Twitter, Tiktok, and Reddit).
5. The Parties and Videographer will not share any portion or reproduction of the videorecording and/or still images from the videorecording with non-Parties to this case, except for the identified experts in the dog cases (i.e., *Anniszkiewicz v. City of Rochester* (20-cv-6629), *Barnes v. City of Rochester* (22-cv-6524), *Cox v. City of Rochester* (22-cv-6207), *Dempsey v. City of Rochester* (19-cv-6780), *Gursslin v. City of Rochester* (20-cv-6508), *McGill v. City of Rochester* (22-cv-6523), and *Preston v. City of Rochester* (22-cv-6525)).
6. The Parties will not utilize any portion or reproduction of the videorecording and still images derived from the videorecording for any purpose other than litigating or attempting to settle the cases (i.e., *Anniszkiewicz*, *Barnes*, *Cox*, *Dempsey*, *McGill*, and *Preston*).
7. The Parties will submit the Stipulation to the Court with a request that the Court issue an Order consistent with these terms.
8. The Parties to this Stipulation may mutually consent to its modification. Alternatively, either party to the Stipulation may seek its modification by the Court in the future.

Elliot Shields

ELLIOT SHIELDS, Plaintiff's Counsel
Dated: July 21, 2023

Peachie L. Jones

LINDA KINGSLEY, Defendants' Counsel
Peachie L. Jones, Of Counsel
Dated: July 21, 2023

SO ORDERED.

Marian W. Payson

JUDGE MARIAN W. PAYSON
United States Magistrate Judge

Dated: July 24, 2023